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EXTRAORDINARY

भाग ।।-खण्ड १ PART II-Section 1

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NEW DELHI, SATURDAY, APRIL 3, 1993/CHAITRA 13, 1915

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MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 3rd April, 1993/Chaitra 13, 1915 (Saka)

The following President's Act is published for general information:-

THE HIMACHAL PRADESH ELECTRICITY (DUTY) AMENDMENT ACT, 1993

No. 6 of 1993

Enacted by the President in the Forty-fourth Year of the Republic of India.

An Act further to amend the Himachal Pradesh Electricity (Duty) Act. 1975.

5 of 1993.

In exercise of the powers conferred by section 3 of the Himachal Pradesh State Legislature (Delegation of Powers) Act. 1993, the President is pleased to enact as follows:-

- 1. (1) This Act may be called the Himachal Pradesh Electricity (Duty) Amendment Act, 1993.
- (2) It shall be deemed to have come into force on the 25th day of January, 1993.

2. In the Himachal Pradesh Electricity (Duty) Act, 1975 (hereinafter referred to as the principal Act), in section 3, for sub-section (1), the

- following shall be substituted, namely:-
 - "(1) There shall be levied and paid to the State Government on the energy consumed a duty to be called the 'Electricity Duty' in the prescribed manner and computed at the following rates:-
 - (i) in case of domestic consumers at the rate of 5 paise per unit; and
 - (ii) in case of other category of consumers at the rate of

Short title and com. mencement.

Amendment of section 3.

H.P. Act 11 of 1975. 10 paise per unit:

Provided that if the energy is partly used for category (i) and partly for category (ii) above, the highest rate of duty applicable shall be levied."

Insertion of new section 11A. Power to exempt.

- 3. After section 11 of the principal Act, the following section shall be inserted, namely:—
 - "11A. The State Government may in public interest by notification exempt any consumer or person from the payment of the whole or part of the Electricity Duty for such period and subject to such terms and conditions as may be specified in such notification.".

Repeal and saving.

4. (1) The Himachal Pradesh Electricity (Duty) Amendment Ordinance, 1993 is hereby repealed.

Ord. 15 of 1993.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance shall be deemed to have been done or taken as the case may be, under the principal Act as amended by this Act.

SHANKER DAYAL SHARMA,

President.

B. R. ATRE, .

Joint Secy. to the Govt. of India.

Reasons for the Enactment

In order to mobilise the additional resources and to simplify the collection of the electricity duty levied on consumption of electricity from different categories of consumers in the State of Himachal Pradesh, it became necessary for the State Government to amend certain provisions of the Himachal Pradesh Electricity (Duty) Act, 1975. For this purpose, the Himachal Pradesh Electricity (Duty) (Second Amendment) Ordinance, 1992 (H.P. Ord. 2 of 1992) was promulgated by the Governor, Himachal Pradesh on the 3rd August, 1992. By virtue of the provisions contained in the said Ordinance, in the State of Himachal Pradesh, the rates of electricity duty have been revised as under:—

- (i) in case of domestic consumers at the rate of 5 paise per unit; and
- (ii) in case of other category of consumers at the rate of 10 paise per unit.
- 2. A new section 11A has also been inserted to empower the State Government to accord exemption to any consumer or person from the payment of the whole or part of the electricity duty for such period and subject to such terms and conditions as may be prescribed. The insertion of this provision was considered necessary for giving relief to agricultural and like consumers. Before the said Ordinance could be replaced by a regular enactment the powers of the Legislature of the State of Himachal Pradesh to make laws has been declared by the Proclamation issued on 15th December, 1992 under article 356 of the Constitution to be exercisable by or under the authority of Parliament. As Parliament was not in session, the life of H.P. Ordinance 2 of 1992 was extended by the Himachal Pradesh Electricity (Duty) Amendment Ordinance, 1993 (15 of 1993) promulgated by the President on the 25th January, 1993. The said power has now been conferred by Parliament on the President under article 357(i)(a) of the Constitution by enacting the Himachal Pradesh State Legislature (Delegation of Powers) Act, 1993.
- 3. Under the proviso to sub-section (2) of section 3 of the Himachal Pradesh State Legislature (Delegation of Powers) Act, 1993, the President shall, before enacting any President's Act, consult a Committee constituted for the purpose consisting of members of both the Houses of Parliament. The provisions of the aforesaid Ordinance will be expiring on 4th April, 1993 and it is necessary to replace that Ordinance by the President's Act before that date. As the said Committee has not so far been constituted and the matter is very urgent in nature and the time left is very short, it is proposed to enact the measure without reference to the Committee.

R. VASUDEVAN, Secy. to the Govt. of India, Ministry of Power.